GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR&RD Department – Allegation of irregularities in execution of the work "Providing BT to the road from Rajupalem to Gunthapalli, via Routhupalli and Payalapalli" in Prakasam District – Disciplinary proceedings and charges against **Sri M. Srinivasa Murthy, the then Assistant Engineer**, PIU Sub-Division, Cumbum, Prakasam District and presently working as A.E., PRI Sub-Division, Yerragondapalem – Charge not held proved in the inquiry report - Disagreement factors on the findings of I.A as per Rule 21 (2) of APCS (CC&A) Rules, 1991 communicated – Representation of C.O - Imposition of a punishment of "withholding two (2) annual grade increments with cumulative effect a under Rule 9(vi) of APCS (CC&A) Rules,1991 and to reduce the same in the basic pay and to fix the pensionary benefits as the charged officer going to retire from service on 29.02.2024 AN - Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-II) DEPARTMENT

G.O.Rt.No.126 **Dated:06.02.2024**

Read the following:

1. From the DG, V&E, Vigilance Report No. 7 (C.NO. 1012-1/V&E/E/2015), dated: 10.02.2016.
2. Govt. Memo No. 4353/Vig. II/2016-1, PR&RD (Vig. II) Department, Dated: 20.06.2016.
3. From the ENC,PR, Letter No Vig. III/520403/2017, dated: 10.05.2017.
4. From the Finance (Admn.II) Department, U.O. Note NO. 526/96/WA/Admn.II/2016, dated: 03.08.2017.
5. G.O.Rt.No.09, PR&RD (Vig. II) Department, dt: 07.01.2020.
6. G.O.Rt.No.11, PR&RD (Vig. II) Department, Dt: 07.01.2020.
7. From the ENC,PR, Letter No. Vig. III/V&E/520403/2017, dt: 13.03.2020.
8. G.O.Rt.No. 181, P.R. & R.D (Vig. II) Department, Dt: 31.03.2021.
9. From the ENC,PR, Letter No. Vig. III/V&E/520403/2017, dated: 20.12.2021.
10. Govt. Memo No. 4353/Vig. II/2016-10, PR&RD (Vig. II) Department, Dt: 25.01.2023.
11. From the ENC,PR, Letter No. Vig. III/520403/2017, dated: 17.05.2023.

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ORDER:

Based on the recommendations of the Director General, Vigilance & Enforcement Department made in the reference 1st read above, on the allegation of irregularities in execution of work "Providing BT to the road from Rajupalem to Gunthapalli, via Routhupalli and

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Payalapalli" in Prakasam District, Government in Panchayat Raj and Rural Development Department have initiated common disciplinary proceedings under Rule 24 of APCS (CC&A) Rules, 1991 duly framing following article of charge under Rule 20 of said Rules vide references 5th & 6th read above against **Sri M. Srinivasa Murthy,** the then Assistant Engineer, PIU Sub-Division, Cumbum, Prakasam District, along with others, with a direction to submit his written statement of defence :

Charge :

That said **Sri M. Srinivasa Murthy,** the then Assistant Engineer PIU Sub-Division, Cumbum, Prakasam District has committed grave irregularities in execution of work "Providing BT to the road from Rajupalem to Gunthapalli, via Routhupalli and Payalapalli" in Prakasam District" in as much as he : -

i. Recorded and recommended for payment for inferior quality of work done in execution of CC pavement in Rajupalem, Rayalayapalli village limits and CC wearing coat on road dam in KM 3/10 using M30 grade concrete costing Rs.34,53,239/- resulting in rejection of work;

ii. Allowed and recorded inferior quality of BT, OGPC + SC with less bitumen content ie, with deficiencies varying from 14.81% to 11.12% in KM2, KM3, IKM4, KM5, IKM11, KM12 & KM 13 resulting in a recovery of Rs.6,76,255/-. Hence the charge.

2. In the reference 7th read above, the Engineer-in-Chief, Panchayat Raj, has furnished the written statement of defence dt:25.02.2020 of the charged officer Sri M. Srinivasa Murthy, Assistant Engineer (PR) to Government for taking further action.

3. Government, after examination of written statement of defence of the Charged Officer, have decided to conduct a regular inquiry into the charged framed against the charged officer **Sri M. Srinivasa Murthy, Assistant Engineer (PR),** among others. Accordingly, in the reference 8th read above, Government have appointed the Superintending Engineer, Panchayat Raj, Ongole, Prakasam District as Inquiry Authority under Rule 20 (2) of A.P.C.S (CC&A) Rules, 1991, to inquiry into the matter.

4. In the reference 9th read above, the Engineer-in-Chief, PR, AP, Vijayawada has furnished the inquiry report dt;15.11.2021 of the Superintending Engineer, PR, Prakasam District and Inquiry Officer to Government for taking further Action. In the Inquiry Report, the Inquiry Authority has mainly relied on the remarks of the Presenting

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Officer that in Letter No.A2/NABARD-RIDF-XVI/Guntapalli/2015, dt:16.10.2019 of the Chief Engineer, PR, NABARD, Vijayawada has approved closing bill and working estimate duly cancelling the contract agreement under Clause 60 (a) on the slow progress of execution of work by the Contractor for five years and an amount of Rs.1,10,48,917/- is adjusted to Govt. Account., as detailed below:-

a) EMD	: Rs.12,07,300/-
b) ASD	: Rs.15,79,200/-
c) EOAT(fine)	: Rs. 3,00,000/-
d) FSD 7.5%	: Rs.38,32,923/-
e) V&E recovery (deficiency BT)	: Rs. 6,76,255/-
f) V&E recovery(CC pavement)	: Rs. 34,53,239/-
TOTAL	:Rs.1,10,48,917/-

5. The Inquiry Authority has mentioned that due to the above forfeiture of amounts, there is no loss since an amount of Rs.1,10,48,917/- is with State exchequer and no bad quality of work is observed and held that charge the C.O-2 Sri M. Srinivasa Murthy, Assistant Engineer is not proved.

6. Government have examined the matter and decided to disagree with the findings of Inquiry Authority in respect of Charged Officer-2 for the following reasons:-

"A perusal of the Inquiry Report of Inquiry Officer indicates that the Inquiry Officer has held that the CC roads and pavements are in good condition even after 10 years and traffic is plying on this road and since the work was closed at safe stage as per directions of the Chief Engineer, PR, NABARD and Government instructions and since an amount of Rs.1,10,48,917/- is with State exchequer, the loss was not established and no bad quality of work is observed as the BT items are also in tolerable limits and hence the charges against this C.O.-2 is not held proved. The CO-2 has also followed the same analogy of CO-1, the first count of the charge to the extent that he recorded and recommended for payment for inferior quality of work done in execution of above said CC work as proved.

With regard to 2nd count of the charge that allowed and recorded inferior quality of BT, OGPC + SC with less bitumen content ie., with deficiencies varying from 14.81% to 11.12% in KM2, KM3, KM34, KM5, KM11, KM12 & KM13 resulting in a recovery of Rs.6,76,255/-, the contention of the I.O. the B.T. items are in tolerable limits and charge is not held proved as it is stated that the deficiencies are in tolerable limits".

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7. Therefore, Government have decided to hold that the charge framed against Sri M. Srinivasa Murthy, the then Assistant Engineer, PIU, SD Cumbum is 'proved'. Accordingly, Government vide reference 10th read above have communicated the above disagreement factors along with copy of the inquiry report to the charged Officer-2 Sri M. Srinivasa Murthy, Assistant Engineer (PR), as required under Rule 21 (2) of A.P. Civil Services (CC&A) Rules, 1991, with a direction to submit his representation if any on the above disagreement factors within fifteen (15) days from the date of receipt of memo, for taking further action in the matter.

8. In the reference 11th read above the Engineer-in-Chief, Panchayat Raj, among others has furnished the representation dt: 03.04.2023 of the Charged Officer-2 Sri M. Srinivasa Murthy, the then Assistant Engineer, PIU Sub-Division, Cumbum and presently working as Assistant Engineer, PIU Sub-Division, Veligandla to Government for taking further action.

9. The Charged Officer Sri M. Srinivasa Murthy, Assistant Engineer (PR) in his representation has stated that as per the Vigilance & Enforcement Report, it is evident that the thickness of WBM layers using Grade-II & III was fairly tallied with recorded measurements and the test results of sieve analysis conducted on samples of WBM Grade-II & Gr.III in KM 2,5,11 and KM 13, the gradation requirements are satisfying standard specifications. Regarding CC pavement laid in two village portions & on road dam at KM 3/10, he had measured and recommended for payment based on the test results during execution. The Charged Officer has stated that the technique of CORE cutting is itself not reliable not correct as envisaged in IS Codes and as such the disagreement factors communicated by the Government is not tenable. The Charged Officer has further stated that the Superintending Engineer, Panchayat Raj, Ongole cancelled the agreement and an amount of Rs. Rs.1,10,48,917/- has been forfeited / deducted from the Contractor in closing the bill vide Page 93, dt: 30.08.2017 which is more than the recovery proposed amount of Rs.34,53,239/- towards rejection of CC pavement & wearing coat by the Vigilance & Enforcement officials. Hence there is no loss and requested to exonerate him from the charge.

10. Government have examined the representation of the charged officer and observe that the Vigilance & Enforcement Department during their inspection have extracted total 18 (6 sets x 3) cores from the hardened concrete of CC pavement with M30 grade in KM1 of Rajupalem Vilage, KM9 in Payalapalli village and from wearing coat laid on road dam in KM 3/10 to ascertain the compressive strength of concrete and the cores were tested on 25.08.2015 in the presence of field officers and V&E officials. As verified from the test results that the average equivalent cube compressive strengths obtained are **varying from 8.17 N/mm2 to 10.45 N/mm2** as against specified strength of 25.50 N/mm2 for M30 grade concrete. All the cores failed to satisfy the strength requirement as per IS 456-2000 and the concrete laid is

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liable for rejection. CC pavements in Rajupalem, Payalapalli and wearing coat on road dam in KM 3/10 are to be removed and re-laid at the cost of contractor duly recovering the payment already made to the contractor. The rejected value of work is worked out to Rs.34,53,239/-. This speaks voluminously that the charged officer Sri M. Srinivasa Murthy, Assistant Engineer (PR) has allowed substandard execution. As such the contention of the charged officer that an amount of Rs.1,10,48,917/- has been forfeited / deducted from the contractor in closing bill which is more than the recovery proposed by the V&E and no loss is devoid of merits. The charged officer failed to discharge his duties and responsible for substandard execution of the work in the matter.

11. Accordingly, Government careful examination of the matter, have taken a decision to impose a punishment of "withholding of two (2) Annual Grade Increments with cumulative effect against the charged officer **Sri M. Srinivasa Murthy, the then Assistant Engineer**, PIU Sub-Division, Cumbum and presently working as Assistant Engineer, PIU Sub-Division, Veligandla under Rule 9(vi) of APCS (CC&A) Rules,1991 in the matter and to direct the Engineer-in-Chief, Panchayat Raj to reduce the same in the basic pay of individual and fix the pensionary benefits accordingly as the individual is going to retire from service on superannuation on 29.02.2024 AN and his last increment was already drawn in May, 2023.

12. Accordingly, Government hereby order to impose a punishment of "withholding two (2) annual grade increments with cumulative effect against Sri M. Srinivasa Murthy, the then Assistant Engineer, PIU Sub-Division, Cumbum and presently working as Assistant Engineer, PIU Sub-Division, Veligandla under Rule 9(vi) of APCS (CC&A) Rules,1991 in the matter and the Engineer-in-Chief, Panchayat Raj is directed to reduce the two (2) increments in the basic pay and to re- fix the pensionary benefits accordingly as the charged officer going to retire from service on 29.02.2024 AN.

13. The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada, is requested to take further action and to re-fix the pension of the individual accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada.
Sri M. Srinivasa Murthy, the then Assistant Engineer, PIU Sub-Division, Cumbum and presently working as Assistant Engineer, PIU Sub-Division, Veligandla
through The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada)
(with a request to serve the orders on the individual and furnished served copy to Government).

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Copy to:

The Secretary to VC, A.P. Vigilance Commission, Velagapudi
The Director General, Vigilance & Enforcement Department, A.P., Vijayawada.
The Panchayat Raj & Rural Development (Estt.I) Department.
OSD to the Hon'ble Dy.CM for PR&RD Department.
PS to Spl. CS to Govt, PR&RD Department.
SF/SC

//FORWARDED::BY::ORDER//

SECTION OFFICER